

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(WESTERN DIVISION)

C.A. No.: 2011-CV-30199

**ROBERT BAGG, DAVID CROTTY,
KATHLEEN GEISSE, CRYSTAL DILLON
and LESLIE JOHNSTON Individually and on
Behalf of All Other Persons Similarly
Situated,**

Plaintiffs,

v.

**HIGHBEAM RESEARCH, INC., THE GALE
GROUP, INC., and CENGAGE LEARNING,
INC.,**

Defendants.

**RENEWED MOTION OF DEFENDANTS TO DISMISS PLAINTIFFS' FIRST AMENDED
COMPLAINT**

NOW COME the Defendants, Highbeam Research, Inc., The Gale Group, Inc. and Cengage Learning, Inc., and, pursuant to the Court's Memorandum and Order dated May 17, 2012 ("Order"), respectfully renew their request that this Court dismiss the Plaintiffs' First Amended Complaint. In support of their Renewed Motion, the Defendants submit that since this Order on Defendants' original Motion to Dismiss the parties have engaged in informal discovery which confirms that dismissal is required under a forum selection clause contained in an agreement between Defendants and Plaintiffs. In further support of their Renewed Motion, the Defendants submit the attached Memorandum of Law and the Declaration of Patrick J. Markey and the exhibits annexed thereto.

Respectfully submitted,
THE DEFENDANTS,
HIGHBEAM RESEARCH, INC., THE GALE GROUP, INC.
and CENGAGE LEARNING, INC

By /s/ Patrick J. Markey
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I, Patrick J. Markey, Esq., hereby certify that counsel for the Plaintiffs and I conferred in an attempt to resolve the issues raised by this motion but were unable to do so.

 /s/ Patrick J. Markey
Patrick J. Markey, Esq.

CERTIFICATE OF SERVICE

I, Patrick J. Markey, Esq., hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on this 17th day of August, 2012.

 /s/ Patrick J. Markey
Patrick J. Markey, Esq.